

**Minutes**  
**Environmental Protection Committee**  
2 Martin Luther King Jr. Drive, S.E.  
Suite 1252 East Tower  
Atlanta, GA 30334

**September 27, 2017**

**Attending:**

Committee Members

Ray Lambert, Chairman  
William Bagwell, Vice Chairman  
Dwight Davis  
Dwight Evans  
Rob Leebern  
Aaron McWhorter  
Mike Phelps  
Brother Stewart  
Duncan Johnson, Jr., Board Chairman, Ex-Officio

Board Members

Nancy Addison  
Bill Jones  
Ray Lambert  
Mark Mobley  
Paul Shailendra  
Bodine Sinyard  
Miki Thomaston

Guests

Ronny Just, Georgia Power  
Leah Dixon, Georgia Conservancy  
Bryan Tolar, GA Agribusiness Council  
Hunter Loggins, GA Agribusiness Council  
Bill Hodges, Hodges, Harbin, Newberry & Tribble  
Maya Prabhu, Atlanta Journal Constitution  
Debbie Phillips, Georgia Industry Environmental Coalition

Staff Members

Mark Williams  
Walter Rabon  
Terry West  
Kyle Pearson  
Wes Robinson  
Cathy Barnette  
Amber Carter  
Rusty Garrison  
Col. Eddie Henderson  
Becky Kelley  
Spud Woodward  
Dave Crass  
Melanie Johnson  
John Biagi  
Bill Donohue  
John Erbele  
Steve Friedman  
Maj. Thomas Barnard  
Lt. Col. Jeff Weaver  
John Martin  
Richard Dunn  
Sydney Brogden  
Jac Capp  
Jeff Cown  
Dika Kuoh  
Chuck Mueller  
Erin Ruoff  
Sarah Visser

The August 30, 2017 meeting of the Environmental Protection Committee was called to order by Chairman Duncan Johnson.

Chairman Johnson called on Ray Lambert, Chairman of the Environmental Protection Committee.

Chairman Lambert called on Jeff Cown, Chief of the Land Protection Branch, to present the Proposed Amendments to the Rules for Underground Storage Tank Management, Chapter 391-3-15.

Mr. Cown stated that he is bringing an action item on proposed amendments to the Rules for Underground Storage Tank Management, Chapter 391-3-15. He further stated the purpose of this rule is for EPD to operate in lieu of the federal program. He added the proposed federal updates are to incorporate by reference EPA regulations through July 15, 2015, many of which were already adopted per the 2005 Energy Policy Act, and to increase emphasis on properly operating and maintaining UST equipment.

Mr. Cown stated that there are new state requirements that increase records retention for all records to 3 years and revise the deadline for Annual Tank Registration to December 31 from September 1. Mr. Cown further stated that we put the rule out for public comment and we received a few comments, one from Walmart Stores about hydrostatic testing of containment sumps and reusing sump water. He added that we agree with them and they can reuse the water until it gets too contaminated and they will properly dispose of it.

Mr. Cown stated the board was briefed on the rule on June 28, it went for public notice June 29, a public hearing was held on July 25, and the end of our comment period was August 8. He further stated that he is here today to ask for favorable consideration of the proposed amendments.

A motion was made by Mr. Bagwell, seconded by Mr. Stewart, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Underground Storage Tank Management, Chapter 391-3-15, as presented.

Chairman Lambert called on Jac Capp, Chief of the Water Protection Branch, to present the Proposed Amendments to the Rules for Water Quality Control, Chapter 391-3-6.

Mr. Capp stated the rule amendments that are proposed are to ensure state rules are consistent with federal rules. He further stated that the rule replaces most paper-based NPDES reporting requirements with electronic reporting. He added the federal Rule became effective in 2015 and specifies the requirements be implemented in two phases: December 2016 and December 2020.

Mr. Capp stated the federal Rule requires these permittees to submit these reports electronically, regardless of what the EPD rules say. He further stated that the rule is to ensure consistency with federal rules. He added that in EPA's rulemaking they estimated there will be across

the board savings on the permittee, the state regulatory authorities, as well as benefits to the public such as easier access to information.

Mr. Capp stated that we received one comment during the comment period, which was from a water utility expressing their favor for the rule change. Mr. Capp further stated that we briefed the Board in June, public notice went out in July, we had the public hearing on August 1, and comment period closed August 11. He added that he is here today to request favorable consideration of the proposed amendments.

A motion was made by Mr. Bagwell, seconded by Mr. Stewart, and carried unanimously that the Committee recommend that the Board adopt the Resolution to approve the proposed amendments to Rules for Water Quality Control, Chapter 391-3-6, as presented.

Chairman Lambert called on Jac Capp, Chief of the Watershed Protection Branch, to present the Report on EPD's Review of Current Regulations Relating to Aquifer Storage and Recovery.

Mr. Capp stated that House Resolution 1198 encouraged EPD to review current regulations as they relate to aquifer storage and recovery, otherwise known as ASR, and urged EPD to issue a report detailing its review of current regulations relating to aquifer storage and recovery to the Board of Natural Resources.

Mr. Capp stated that there had been a moratorium on ASR projects related to the injection of surface water only in 11 coastal counties in the Floridan aquifer and it ended July 1, 2014. He further stated that the moratorium was limited by geography as it only applied to the Floridan aquifer, applied to surface water only, and had an end date. He added that during the 2014 legislative session, SB 306 proposed to expand the moratorium to the injection of ground water and make the moratorium permanent in those 11 counties, and the legislation did not pass.

Mr. Capp stated in the 2014 legislative session, SR 4 created a study committee, and the committee met and included some recommendations, and the report is publicly available. Mr. Capp further stated that key recommendations included recommending that permitting of any ASR systems in Georgia be site specific to ensure that the requirements are appropriate and aquifers are protected. He added that SB 36/HB 116 in the 2015 session did not pass.

Mr. Capp stated that EPD looked at the regulations and the finding is to implement multiple statutes and rules relevant to ASR, which are designed to protect water supplies. He further stated the only ASR projects in Georgia have been pilot or initial studies, and currently EPD has no applications for ASR projects. He added the conclusion is existing regulation provides sufficient authority and flexibility to adapt and design protective requirements for specific circumstances, and site-specific information is important and necessary to evaluate each project.

Mr. Capp stated that there are various specific permitting steps for ASR projects, and discussed those various permits required.

Mr. Capp stated that current regulations are sufficient to protect water supply. He further stated that when taken together and implemented in a coordinated manner it will effectively regulate the entire ASR process.

Mr. Capp stated that over the next 12 months, EPD wants to adopt guidance that would improve implementation of current regulations, including: written instructions to applicants to detail requirements, prepare a pre-application checklist, have one point of contact for ASR applications, and develop a “roadmap”, which would include joint or coordinated public notice on these permits.

Mr. Capp stated that we had a public hearing July 31, 2017. He further stated there were 49 sets of comments: a number of commenters wanted a total ban on ASR, a number of commenters want ASR-specific regulations, 28 commenters want a coordinated program regarding ASR, 1 commenter said ASR permittees should demonstrate financial ability, some commenters said past experience shows ASR doesn’t work, some commenters stated ASR works, and some commenters were complimentary of our findings and report.

Various questions and conversation about cost-effectiveness, water supply, and aquifers ensued.

There being no further business, the meeting was adjourned.